

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**September 3, 2013 - 9:00 A.M.**

**PRESENT:** COMMISSIONER DOUG WITNEY, CHAIR  
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR  
COMMISSIONER LARRY A. ELLERTSON

**ALSO PRESENT:**

E. Kent Sundberg, Civil Division Chief Attorney  
David Shawcroft, Utah County Deputy Attorney  
Robert J. Moore, Utah County Deputy Attorney  
Paul Jones, Utah County Deputy Attorney  
Bryan E. Thompson, Utah County Clerk/Auditor  
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor  
Sandy Nielson, Clerk/Auditor's Office - Tax Admin.  
Julie Rollins, Utah County Purchasing Agent  
Jim Stevens, Utah County Assessor's Office  
Dr. Joseph K. Miner, Health Department Exec. Director  
Raven Albertson, Utah County Health Department  
Toni Carpenter, Utah County Health Department  
Robert Johnson, Drug&Alcohol Prevention&Treatment  
Richard Nance, Drug&Alcohol Prevention&Treatment  
Lana Jensen, Utah County Personnel Director  
Jane Ivie, Personnel Office

Richard Nielson, Utah County Public Works Director  
Don Nay, Utah County Public Works Assoc. Director  
Jeff Smith, Utah County Recorder  
Andrea Allen, Utah County Recorder's Office  
James O. Tracy, Utah County Sheriff  
Dalene Higgins, Utah County Sheriff's Office  
Robert C. Kirk, Utah County Treasurer  
Cary McConnell, Utah County Treasurer's Office  
Bill Peperone, Provo City Community Development  
Chad Eccles, Mountainland Assoc. of Governments  
Andrew Jackson, Mountainland Assoc. of Governments  
Todd Provost, Utah Transit Authority  
Vic Devano, Riverside Country Club  
Scott Kirkland, Riverside Country Club  
Eldon A. Neves, Citizens for Rural Utah  
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:06 A.M. and welcomed those present. The following matters were discussed:

**PRAYER/READING/THOUGHT:** Andrew Jackson, Mountainland Association of Governments

The Board momentarily recessed to assemble as The Board of Directors of the Municipal Building Authority of Utah County from 9:08 A.M. to 9:09 A.M. The Utah County Board of Commissioners reconvened at 9:10 A.M.

**CONSENT AGENDA**

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH DRYWALL SURGEONS FOR REMODELING WORK IN THE COUNTY TREASURER'S SUITE**
- 2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT THE FY2014 VOCA GRANT FOR THE UTAH COUNTY SHERIFF'S OFFICE IN THE AMOUNT OF \$50,273.08**
- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AWARD DOCUMENT AND ARTICLES OF AGREEMENT FOR THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)**
- 4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60294, DATED AUGUST 28, 2013**

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5. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**

6. **ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE**

7. **APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2013-13**  
(Continued from the August 6, August 13, and August 20, 2013 Commission meetings)

The Board requested that Consent Agenda Item No. 7 be moved to the Regular Agenda for discussion.

PULLED TO REGULAR

8. **RATIFICATION OF PAYROLL**

Period 17	12 Checks: \$8,455.58	1,149 Total Deposits: \$1,508,631.06	Total: \$1,517,086.64
		Federal Payroll Taxes	Total: \$ 226,537.12

9. **RATIFICATION OF WARRANT REGISTER SUMMARY FOR AUGUST 27, 2013**

Register No. 770	August 19, 2013	Purchasing Cards 601-602	Total: \$ 890.04
Register No. 771	August 19, 2013	Check Nos. 184107-184139	Total: \$ 64,101.29
Register No. 772	August 19, 2013	Purchasing Cards 603-609	Total: \$ 145,910.22
Register No. 773	August 19, 2013	Direct Deposit:17454-17464	Total: \$ 9,933.01
Register No. 774	August 19, 2013	Check Nos. 184140-184192	Total: \$ 31,373.56
Register No. 775	August 20, 2013	Direct Deposit:17465-17492	Total: \$ 2,192.43
Register No. 776	August 20, 2013	Check Nos. 184193-184213	Total: \$ 74,330.69
Register No. 777	August 21, 2013	Check Nos. 184214-184226	Total: \$ 42,212.77
Register No. 778	August 21, 2013	Check Nos. 184227-184291	Total: \$ 2,658.00
Register No. 779	August 21, 2013	Direct Deposit:17493-17494	Total: \$ 119.53
Register No. 780	August 21, 2013	Purchasing Cards 610-623	Total: \$ 1,785.22
Register No. 781	August 21, 2013	Check Nos. 184292-184336	Total: \$ 42,377.70
Register No. 782	August 22, 2013	Purchasing Cards 624-625	Total: \$ 33,091.88
Register No. 783	August 22, 2013	Direct Deposit:17495-17505	Total: \$ 15,936.67
Register No. 784	August 22, 2013	Check Nos. 184337-184353	Total: \$ 31,458.64
Register No. 785	August 22, 2013	Check Nos. 184354-184359	Total: \$ 19,052.00
Register No. 786	August 22, 2013	Direct Deposit:17506-17516	Total: \$ 741,833.30
Register No. 787	August 22, 2013	Check Nos. 184360-184374	Total: \$ 80,628.80
Register No. 788	August 22, 2013	Check Nos. 184375-184379	Total: \$ 171,050.60
Register No. 789	August 23, 2013	Direct Deposit:17517-17517	Total: \$ 97.90
Register No. 790	August 23, 2013	Direct Deposit:17518-17524	Total: \$ 819.50
Register No. 791	August 23, 2013	Purchasing Cards 626-636	Total: \$ 3,739.86
Register No. 792	August 23, 2013	Check Nos. 184380-184420	Total: \$ 155,083.22
Register No. 793	August 23, 2013	Check Nos. 184421-184423	Total: \$ 62,362.56
Register No. 794	August 23, 2013	Direct Deposit:17525-17526	Total: \$ 699,786.10
Register No. 795	August 26, 2013	Purchasing Cards 637-640	Total: \$ 1,804.40
Register No. 796	August 26, 2013	Check Nos. 184424-184448	Total: \$ 83,383.43
Register No. 797	August 26, 2013	Direct Deposit:17527-17532	Total: \$ 5,755.53
Register No. 798	August 26, 2013	Check Nos. 184449-184453	Total: \$ 3,882.47
Register No. 799	August 27, 2013	Direct Deposit:17533-17533	Total: \$ 611.00
Register No. 800	August 27, 2013	Purchasing Cards 641-662	Total: \$ 4,670.88

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Register No. 801	August 27, 2013	Check Nos. 184454-184513	Total: \$ 163,926.31
Register No. 802	August 27, 2013	Check Nos. 184514-184549	Total: \$ 48,792.94
			<u>Total: \$2,745,652.45</u>

## 10. RATIFICATION OF WARRANT REGISTER SUMMARY FOR SEPTEMBER 3, 2013

Register No. 803	August 27, 2013	Direct Deposit:17534-17539	Total: \$ 62,732.92
Register No. 804	August 28, 2013	Purchasing Cards 663-663	Total: \$ 12.99
Register No. 805	August 28, 2013	Check Nos. 184550-184555	Total: \$ 16,789.02
Register No. 806	August 28, 2013	Bond Wires:171-171	Total: \$ 86,546.89
Register No. 807	August 28, 2013	Check Nos. 184556-184570	Total: \$ 10,549.79
Register No. 808	August 29, 2013	Direct Deposit:17540-17557	Total: \$ 4,062.81
Register No. 809	August 29, 2013	Purchasing Cards 664-674	Total: \$ 892.54
Register No. 810	August 29, 2013	Check Nos. 184571-184614	Total: \$ 353,573.05
Register No. 811	August 29, 2013	Check Nos. 184615-184633	Total: \$ 23,206.66
Register No. 812	August 30, 2013	Direct Deposit:17558-17595	Total: \$ 4,532.80
Register No. 813	August 30, 2013	Check Nos. 184634-184641	Total: \$ 4,634.00
Register No. 814	August 30, 2013	Check Nos. 184642-184662	Total: \$ 849.50
			<u>Total: \$ 568,382.97</u>

Consent Agenda Item Nos. 1 through 6, and 8 through 10 were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT FOR THE SHARP AR-208D COPIER, SERIAL NO. 5021645, LOCATED IN THE SHERIFF'S OFFICE - JAIL CLASSIFICATIONS DEPARTMENT**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A RENTAL AGREEMENT WITH ALLEN'S CAMERA FOR USE OF EQUIPMENT ON SEPTEMBER 6, 2013**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH STATE DEPARTMENT OF HEALTH FOR THE WOMEN INFANT CHILDREN'S (WIC) PROGRAM**
8. **ACCEPT AMENDMENT NO. 4 TO AGREEMENT NO. 2012-441 (STATE CONTRACT 122419) WITH THE UTAH DEPARTMENT OF HUMAN SERVICES FOR FUNDING ALLOCATIONS OF \$4,092,367.00 FOR SFY 2014**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 1 TO AGREEMENT NO. 2011-538 WITH C A JOHNSON ROCK PROCESSING, LLC TO ADD ASPHALT ROAD MILLING FOR 3.5 MILES OF LINCOLN BEACH ROAD**

The commissioners requested that discussion and action on Regular Agenda Item No. 11 follow the closed sessions. TABLED FOR FURTHER DISCUSSION

\*Please refer to the final page of these minutes for additional notations.

12. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 6 TO AGREEMENT NO. 2011-601 WITH GENEVA ROCK PRODUCTS, INC TO ADD RESURFACING AND SHOULDER WORK ON LINCOLN BEACH ROAD**

The commissioners requested that discussion and action on Regular Agenda Item No. 12 follow the closed sessions. TABLED FOR FURTHER DISCUSSION

\*Please refer to the final page of these minutes for additional notations.

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13. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH IHI ENVIRONMENTAL FOR AN INDOOR AIR QUALITY STUDY OF THE HEALTH AND JUSTICE BUILDING**
14. **APPROVE AND AUTHORIZE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$191,920.00 TO THE TOWN OF CEDAR FORT FOR THE NEW CULINARY WATERLINE PROJECT**
15. **APPROVE AND AUTHORIZE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$30,000.00 TO CENTRO HISPANO FOR THE LOW INCOME TAXPAYER CLINIC**
16. **APPROVE AND AUTHORIZE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$25,000.00 TO MOUNTAINLAND AOG: DEPARTMENT OF AGING/FAMILY SERVICES FOR THE MEALS-ON-WHEELS DELIVERY VEHICLE**
17. **APPROVE AND AUTHORIZE A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$20,000.00 TO THE COMMUNITY ACTION SERVICES & FOOD BANK FOR THE CIRCLES INITIATIVE PROJECT**
18. **APPROVE AND AUTHORIZE AN AGREEMENT WITH DAVE HATCH FROM CRITICAL INCIDENT MANAGEMENT TO PROVIDE UTAH COUNTY OFFICER TRAINING**
19. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH COUNTY AND WASATCH MENTAL HEALTH SERVICES SPECIAL SERVICE DISTRICT**
20. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE RESOLUTION APPOINTING COUNTY REPRESENTATIVES TO THE TAXING ENTITY COMMITTEE FOR AMERICAN FORK CITY RDA'S EGG FARM ECONOMIC DEVELOPMENT PROJECT AREA**
21. **ADOPT A RESOLUTION APPOINTING BEN FUELL AS A UTAH COUNTY BAIL COMMISSIONER**

**ACTIONS TAKEN**

**Consent Agenda Item Nos. 1, 8, 9 and 10 were ratified; Nos. 2 and 3 were approved and authorized; Nos. 4 and 5 were approved; No. 6 was abated; and No. 7 was tabled for further discussion. Regular Agenda Item Nos. 4, 5, 7, 13, 14, 15, 16, 17 and 18 were approved and authorized; No. 8 was accepted; Nos. 19 and 21 were adopted; and No. 20 was ratified.**

**AGREEMENT NOS.:** 2013-588, 2013-589, 2013-590, 2013-590(A), 2013-591, 2013-592, 2013-593, 2013-594, 2013-595, 2013-596, 2013-597, 2013-598, 2013-599, 2013-600, 2013-601, 2013-602, 2013-603 and 2013-604

**RESOLUTION NOS.:** 2013-100, 2013-101 and 2013-102

## **REGULAR AGENDA**

### **(PULLED FROM CONSENT)**

#### **7. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2013-13 (Continued from the August 6, August 13, and August 20, 2013 Commission meetings)**

Vic Devano came forward on behalf of the Riverside Country Club; a denial of their "Application for Settlement or Deferral of Delinquent Property Tax" has been recommended. Mr. Devano introduced Scott Kirkland, manager of the club, and explained that he had received notification by a letter from the Utah County Attorney's Office that their application was not filed in a timely manner. Mr. Devano argued that he had been working with Utah County Assessor Kris Poulson for the last year to determine the correct value of the property. When he began to compare monetary amounts with those of Thanksgiving Point, Utah County Deputy Attorney David Shawcroft reminded the commissioners that conversation including commercial figures should be reserved for closed sessions.

The commissioners requested that discussion and action on Consent Agenda Item No. 7 follow the closed sessions.  
TABLED FOR FURTHER DISCUSSION

\*Please refer to the final page of these minutes for additional notations.

## **REGULAR AGENDA**

#### **1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR SEPTEMBER 2013**

The commissioners initially made the motion and took a vote to continue this item for one week to the September 10, 2013 meeting of the Board, but returned to it once the honoree was present to accept the award later in the meeting. Refer to Page 7 of these minutes.

#### **2. AUTHORIZE THE DELETION OF A FULL-TIME CAREER SERVICE EQUIPMENT OPERATOR I POSITION FROM, AND THE ADDITION OF A FULL-TIME CAREER SERVICE EQUIPMENT OPERATOR II POSITION TO, THE PUBLIC WORKS-ROADS STAFFING PLAN (ACCOUNT NO. 100-44130: CHANGING POSITION 7020-7-1 TO 7021-7-1)**

When Commissioner Ellertson asked about the funding source for this upgraded position, Utah County Personnel Director Lana Jensen noted that it is a minimal increase for this year. Utah County Public Works Director Richard Nielson explained that the savings from asphalt may contribute to the budget next year. Ms. Jensen also pointed out that the deletion of the Equipment Operator I position and addition of Equipment Operator II position is a one-step increase career ladder move.

**Commissioner Anderson made the motion to delete one full-time Career Service Equipment Operator I position from, and add one full-time Career Service Equipment Operator II position to, the Public Works - Roads Staffing Plan as detailed in Regular Agenda Item No. 2. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

APPROVED

#### **3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE DESIGN FUNDING AGREEMENT FOR THE PROVO-OREM BUS RAPID TRANSIT PROJECT WITH THE UTAH TRANSIT AUTHORITY**

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Commissioner Ellertson mentioned that this project is in conjunction with work that the Utah Department of Transportation (UDOT) is performing on University Parkway. There were some questions regarding the funding source, and whether Part 15 or Part 19 of the Federal Acquisition Regulation would be the appropriate vessel to use for this contract. Chad Eccles of the Mountainland Association of Governments (MAG) described some of the differences between the parts with assistance from Andrew Jackson.

Commissioner Witney asked for clarification of the purpose of the contract, and Chad Eccles explained that it would be for design - the county is not committing to the entire project at this point. Commissioner Anderson spoke about the work, and Todd Provost of the Utah Transit Authority (UTA) explained how the rates are folded in to the agreement. It is all very integrated and the numbers are still being finalized through UDOT.

Commissioner Witney questioned why Utah County would contribute \$2,800,000 for a UTA project, and Commissioners Anderson and Ellertson discussed the reimbursement process. Andrew Jackson noted that payment could begin within five to twelve years based on the economy, and Commissioner Anderson pointed out that the worst-case scenario would mean 28 years before the county is repaid. He reiterated that the funds needed for the design is not an automatic obligation to move forward with the entire \$150,000,000 project. They continued to discuss the various payment schedules and Commissioner Anderson expressed concern that other projects could be delayed while funds are committed to this endeavor. Mr. Jackson acknowledged that it is a possibility.

Commissioner Anderson wanted to know, "Can we afford to postpone projects for this?" He and the commissioners continued to speak with Chad Eccles, Andrew Jackson, and Todd Provost about transit quarters, payment, reimbursement, and past agreements. Mr. Provost mentioned meetings with the Regional Planning Committee. Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg added that the current draft of the agreement is overly simple for what could be a very detailed and complicated matter, raising more questions than it answers.

**Commissioner Ellertson made the motion to continue Regular Agenda Item No. 3 regarding the Design Funding Agreement for the Provo-Orem Bus Rapid Transit Project with the Utah Transit Authority for one week to the September 10, 2013 meeting of the Board. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

CONTINUED TO SEPTEMBER 10, 2013

## **6. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN ADDENDUM NO. 1 TO LEASE AGREEMENT NO. 2013-270 WITH PAYSON I, LLC.**

Utah County Health Department Executive Director Dr. Joseph K. Miner explained that this lease addendum does not increase any costs for the county, and is only for a change to the design of the space. Essentially, there is a pillar that cannot be moved and will need to be worked around. Whenever the county can spend any federal government WIC funds, all Utah County Health Department programs benefit. Dr. Miner noted that there are no local expenditures.

**Commissioner Ellertson made the motion to approve and authorize Addendum No. 1 to Agreement No. 2013-270 with Payson I, LLC. as described in Regular Agenda Item No. 6. The motion was seconded by Commissioner Anderson and carried with the following vote:**

**AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

AGREEMENT NO. 2013-605



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**9. APPROVE OR DENY A REQUEST FROM THE BRENT EVENT FOUNDATION TO WAIVE THE EVENT PERMIT FEE IN THE AMOUNT OF \$300.00 FOR USE OF THE PROVO RIVER PARKWAY FOR "THE BRENT EVENT" TO BE HELD OCTOBER 26, 2013**

Commissioner Ellertson summarized that Brent Weaver was a Brigham Young University student who lost his life to cancer in the year 2011. His parents have organized "The Brent Event Foundation" to provide funds to patients and their families for expenses that are not be covered by insurance, in an effort to ease the financial and emotional burden. They have held two successful events in Texas and would like to expand their community to include Utah Valley.

**Commissioner Anderson made the motion to waive the \$300 event permit fee for The Brent Event Foundation for use of the Provo River Parkway for "The Brent Event" to be held October 26, 2013 as defined in Regular Agenda Item No. 9, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

AGREEMENT NO. 2013-606

At this point, the commissioners returned to Regular Agenda Item No. 1. While a previous motion had called for the continuation of this item for one week to the September 10, 2013 meeting of the Board, the commissioners were eager to recognize the Employee of the Month and the following actions voided that vote.

**1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR SEPTEMBER 2013**

Steve Snow of Utah County Public Works was recognized as the Utah County Employee of the Month for September 2013.

The commissioners moved forward with the remaining agenda items as numbered.

**10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2006-21 WITH THE UTAH PUBLIC DEFENDER ASSOCIATION TO LEASE ADDITIONAL SPACE IN THE HISTORIC COUNTY COURTHOUSE**

Utah County Clerk/Auditor Bryan E. Thompson noted that with the exception of the Utah Public Defender Association, all other tenants in the Historic County Courthouse are paying \$16.00 annually per square foot of space. The current lease agreement for the Public Defenders is at a lower rate and totals \$98,000 a year; if the county were to charge them the same amount for the sake of consistency, their rate would be approximately \$108,000 annually. Utah County Public Works Director Richard Nielson noted that it is easier to charge all tenants the same, and Associate Director Don Nay pointed out that costs are covered.

**Commissioner Anderson made the motion to approve and authorize the amendment to Agreement No. 2006-21 with the Utah Public Defender Association as discussed in Regular Agenda Item No. 10. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None**

AGREEMENT NO. 2013-607

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At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

**22. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS**

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

SET

**23. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

SET

**24. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

SET

**26. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**



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Commissioner Ellertson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended to immediately follow the previously scheduled closed meetings today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

SET

**25. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**

Commissioner Ellertson made the motion to strike Regular Agenda Item No. 25 to set a date, time and location for a closed meeting for a strategy session to discuss the sale of real property. The motion was seconded by Commissioner Anderson and carried with the following vote:

AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

STRICKEN

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

**PUBLIC COMMENTS**

There were no public comments, and the meeting recessed at 9:57 A.M. to go into closed meetings. The public meeting reconvened at 11:44 A.M., and the commissioners returned to previously tabled Consent Agenda Item No. 7, Regular Agenda Item No. 11, and Regular Agenda Item No. 12 at this point.

**REGULAR AGENDA**

**(PULLED FROM CONSENT)**

**7. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2013-13  
(Continued from the August 6, August 13, and August 20, 2013 Commission meetings)**

**Commissioner Ellertson made the motion to approve the Property Tax actions contained in Recommendation Letter No. 2013-13 as specified in Consent Agenda Item No. 7.**

Because there was lack of a second, Commissioner Witney briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

The motion was seconded by Commissioner Witney and carried with the following vote:

AYE: Doug Witney  
Larry A. Ellertson  
NAY: Gary J. Anderson

AGREEMENT NO. 2013-608

### **REGULAR AGENDA**

The commissioners chose to address Regular Agenda Item Nos. 11 and 12 in tandem since they are directly related to each other.

**11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 1 TO AGREEMENT NO. 2011-538 WITH C A JOHNSON ROCK PROCESSING, LLC TO ADD ASPHALT ROAD MILLING FOR 3.5 MILES OF LINCOLN BEACH ROAD**

CONTINUED TO SEPTEMBER 10, 2013

\*Please refer to the final page of these minutes for additional notations.

**12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 6 TO AGREEMENT NO. 2011-601 WITH GENEVA ROCK PRODUCTS, INC TO ADD RESURFACING AND SHOULDER WORK ON LINCOLN BEACH ROAD**

CONTINUED TO SEPTEMBER 10, 2013

\*Please refer to the final page of these minutes for additional notations.

**Commissioner Ellertson made the motion to continue Regular Agenda Item Nos. 11 and 12 regarding Change Order No. 1 and Change Order No. 6 to Agreement No. 2011-538 with C A Johnson Rock Processing, LLC and Agreement No. 2011-601 with Geneva Rock Products, Inc respectively for one week to the September 10, 2013 meeting of the Board. The motion was seconded by Commissioner Anderson and carried with the following vote:**

AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

This concluded the open meeting.

**Commissioner Anderson made the motion to adjourn the September 3, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

AYE: Doug Witney  
Gary J. Anderson  
Larry A. Ellertson  
NAY: None

There being no further business nor public comment, the meeting adjourned at 11:46 A.M. The minutes of the September 3, 2013 Commission Meeting were approved as transcribed on September 17, 2013.

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DOUG WITNEY, Commission Chair

ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor

Copies Available on the County Web Site at [www.utahcountyonline.org](http://www.utahcountyonline.org)  
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant

\*Consent Agenda Item No. 7:

The commissioners addressed Consent Agenda Item No. 7 regarding Property Tax actions contained in Recommendation Letter No. 2013-13 following the closed session meetings, and approved the item unanimously.

\*Regular Agenda Item No. 11:

The commissioners addressed Regular Agenda Item No. 11 regarding Change Order No. 1 to Agreement No. 2011-538 with C A Johnson Rock Processing, LLC following the closed session meetings, and continued the item to the next meeting of the Board on September 10, 2013 by unanimous vote.

\*Regular Agenda Item No. 12:

The commissioners addressed Regular Agenda Item No. 12 regarding Change Order No. 6 to Agreement No. 2011-601 with Geneva Rock Products, Inc following the closed session meetings, and continued the item to the next meeting of the Board on September 10, 2013 by unanimous vote.